

This is perhaps the most striking difference between the invention and the examiner's references. There is not the slightest suggestion of this in any of the examiner four references.

The invention requires that "the manner in which at least some carriers are used is different for at least some pairs from the manner in which the same carriers are used for at least some other pairs". Thus, for example, the same carrier might have one data rate (or one type of modulation, etc.) for one connection pair, and a different data rate (or a zero data rate, or a different type of modulation, etc.) for another connection pair. None of the examiner's references comes even remotely close to suggesting this feature of the invention.

Marchetto teaches channel adaptation, but for a single carrier, and for transmission between the same transmitter and receiver.

Kaiser uses different data rates between the base station and the multiple subscriber stations, but the difference in data rate is not for adaptation to the channel, but to accommodate different data types being transmitted to/from a subscriber station (e.g., voice versus computer data). This is what is taught at the lines referred to by the examiner (col. 54, line 66 – col. 6, line 10). Furthermore, the different data rates are the overall data rates of the connection, and not different data rates assigned to different carriers.

Jalali also appears silent on channel adaptation.

Foley, the examiner's new reference, teaches single carrier communication, and thus gives no suggestion of the claim's requirement that "the manner in which at least some carriers are used is different for at least some pairs from the manner in which the same carriers are used for at least some other pairs"

The other three independent claims (1, 10, and 15) are similar to claim 9, but are somewhat more specific about how adaptation varies the manner in which the carriers are used for transmission. In claims 1 and 15, changes are made in a carrier's data rate. In claim 10, changes are made to a channel map that "provides for the encoding and modulating for at least some carriers for at least one pair to be different from that used for the same carriers for at least one other pair." None of the examiner's references teaches these limitations.

Accordingly, all four independent claims are in condition for allowance.

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The remaining claims are all properly dependent on one or more of the independent claims, and thus allowable therewith. Each of the dependent claims adds one or more further limitations that enhance patentability, but those limitations are not presently relied upon. For that reason, and not because applicants agree with the examiner, no rebuttal is offered to the examiner's reasons for rejecting the dependent claims.

Allowance of the application is requested.

Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

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